

Amendment No. _____

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Signature of Sponsor

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Date _____
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Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1408

House Bill No. 1257*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 17-2-303(a), is amended by deleting the subsection and substituting instead the following:

(a) The supreme court is authorized to appoint and renew senior judges, subject to confirmation by the general assembly pursuant to §§ 17-2-309 - 17-2-311, only after making an affirmative finding that the effective administration of justice in one (1) or more judicial districts requires additional judicial resources.

SECTION 2. Tennessee Code Annotated, Section 17-2-303(b)(1), is amended by deleting the language "If the supreme court, at its discretion, determines" and substituting instead the language "If the supreme court determines and the joint judiciary committee of the general assembly confirms".

SECTION 3. Tennessee Code Annotated, Title 17, Chapter 2, Part 3, is amended by deleting Section 17-2-309 and substituting instead the following new sections:

17-2-309.

(a) Immediately upon making an appointment or renewal of a senior judge, the supreme court shall provide written notice of the appointment or renewal to the chief clerk of the senate and the chief clerk of the house of representatives. Delivery of the notice of appointment or renewal to both the chief clerk of the senate and the chief clerk of the house of representatives begins the appropriate thirty-day period established in accordance with § 17-2-310. Upon receiving the notice of appointment or renewal, the chief clerk of the senate and the chief clerk of the house of representatives shall notify



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the members of their respective house and shall refer the notice of appointment or renewal to the judiciary committee of their respective house as provided by rule.

(b) The Tennessee bureau of investigation shall perform appropriate financial and criminal background investigations of the subject of an appointment or renewal and shall provide the results of the investigations and inquiries to the supreme court. Upon making an appointment or renewal, the supreme court shall transmit the results of the appointee's financial and criminal background investigation to the chair of the judiciary committee of the senate and the chair of the judiciary committee of the house of representatives.

(c) The judiciary committee of the senate and the judiciary committee of the house of representatives shall meet jointly to conduct a hearing and vote to confirm or reject the appointee, and shall submit a written report of the action taken to the clerk of the senate and the clerk of the house of representatives.

17-2-310.

(a) Regardless of whether the general assembly is in its annual legislative session, the judiciary committee of the senate and the judiciary committee of the house of representatives shall meet jointly within thirty (30) consecutive calendar days immediately following the appointment or renewal to consider and vote upon the appointee.

(b) If the joint judiciary committee fails to reject the supreme court's appointee within thirty (30) consecutive calendar days as described in subsection (a), then the appointee is deemed confirmed as of the following calendar day.

17-2-311.

(a) A senior judge confirmed in accordance with this part shall commence service upon confirmation.

(b) If the supreme court's appointee is rejected by the joint judiciary committee or is withdrawn by the supreme court within thirty (30) calendar days of the applicable date

set out in § 17-2-310, then the supreme court shall appoint another individual as provided in this part. Any appointee who has been rejected by the joint judiciary committee is not eligible for reappointment as a senior judge, until after the next regular August election occurring at least one (1) year following the appointment.

SECTION 4. Tennessee Code Annotated, Section 17-2-303(d), is amended by deleting the language "The supreme court's decision" and substituting instead the language "Except as provided in §§ 17-2-309 - 17-2-311, the supreme court's decision".

SECTION 5. Tennessee Code Annotated, Section 17-4-308(a), is amended by redesignating the subsection as subdivision (a)(1) and adding the following subdivision (a)(2):

(2) The governor's appointee shall not take office until the appointee has been confirmed by the joint judiciary committee by vote or by default as provided in this part.

SECTION 6. Tennessee Code Annotated, Section 17-4-308(h), is amended by adding the following language to the end of the subsection:

The process of appointment and confirmation in accordance with this part may also proceed; however, a confirmed appointee shall not take office until the vacancy actually occurs.

SECTION 7. Tennessee Code Annotated, Section 17-4-310(a), is amended by redesignating the subsection as subdivision (a)(1) and adding the following subdivision:

(2) The governor's appointee shall not take office until the appointee has been confirmed by the joint judiciary committee by vote or by default as provided in this part.

SECTION 8. Tennessee Code Annotated, Title 17, Chapter 4, Part 3, is amended by adding the following new sections:

17-4-312.

(a) Immediately upon making an appointment to the office of chancellor, circuit court judge, criminal court judge, or judge of any other state trial court of record, the governor shall provide written notice of the appointment to the chief clerk of the senate and the chief clerk of the house of representatives. Delivery of the notice of appointment

to both the chief clerk of the senate and the chief clerk of the house of representatives begins the appropriate thirty-day period established in accordance with § 17-4-313. Upon receiving the notice of appointment, the chief clerk of the senate and the chief clerk of the house of representatives shall notify the members of their respective house and shall refer the notice of appointment to the judiciary committee of their respective house as provided by rule.

(b) The Tennessee bureau of investigation shall perform appropriate financial and criminal background investigations of a judicial appointee and shall provide the results of the investigations and inquiries to the governor. Upon making an appointment, the governor shall transmit the results of the appointee's financial and criminal background investigation to the chair of the judiciary committee of the senate and the chair of the judiciary committee of the house of representatives.

(c) The judiciary committee of the senate and the judiciary committee of the house of representatives shall meet jointly to conduct a hearing and vote to confirm or reject the appointee, and shall submit a written report of the action taken to the clerk of the senate and the clerk of the house of representatives.

17-4-313.

(a) Regardless of whether the general assembly is in its annual legislative session, the judiciary committee of the senate and the judiciary committee of the house of representatives shall meet jointly within thirty (30) consecutive calendar days immediately following the appointment to consider and vote upon the appointee.

(b) If the joint judiciary committee fails to reject the governor's appointee within thirty (30) consecutive calendar days as described in subsection (a), then the appointee is deemed confirmed as of the following calendar day.

17-4-314.

(a) A chancellor, circuit court judge, criminal court judge, or judge of any other state trial court of record confirmed in accordance with this part shall commence service in the office to which the judge was confirmed upon confirmation.

(b) If the governor's appointee is rejected by the joint judiciary committee or is withdrawn by the governor within thirty (30) calendar days of the applicable date set out in § 17-4-313(a), then the governor shall appoint another individual to fill a vacancy as provided in this part. Any appointee who has been rejected by the joint judiciary committee is not eligible for reappointment to the same court, until after the next regular August election occurring at least one (1) year following the appointment.

SECTION 9. Tennessee Code Annotated, Section 38-6-106, is amended by deleting subsection (g) and substituting instead the following:

(g) In addition to the authorization of the speaker of the senate and the speaker of the house of representatives to request the director of the Tennessee bureau of investigation to conduct a background investigation concerning persons under consideration for appointment to a position of trust and responsibility, the chair of any standing committee to which a notice of appointment by the governor or the supreme court has been referred pursuant to § 8-7-113, § 8-14-113, § 17-2-309, § 17-4-102, or § 17-4-312 must be provided with a background investigation of any appointee to the position of judge of the supreme court, court of appeals, or court of criminal appeals, chancellor, circuit court judge, criminal court judge, judge of any other state trial court of record, senior judge, district attorney general, or district public defender whose appointment will be considered by the committee as provided in § 8-7-113, § 8-14-113, § 17-2-309, § 17-4-102, or § 17-4-312. Any report provided to the chair of the committee is to be treated as a confidential record that is not open to public inspection.

SECTION 10. Tennessee Code Annotated, Section 8-7-107, is amended by deleting the last sentence of the section, redesignating the remaining language as subsection (a), and adding the following subsection (b):

(b) Prior to the election of a district attorney general pursuant to subsection (a), the governor shall appoint a suitable person to fill the office temporarily until the election takes place. The governor's appointee shall not take office until the appointee has been confirmed by the joint judiciary committee by vote or default as provided in this part.

SECTION 11. Tennessee Code Annotated, Title 8, Chapter 7, Part 1, is amended by adding the following new sections:

8-7-113.

(a) Immediately upon making an appointment to the office of district attorney general, the governor shall provide written notice of the appointment to the chief clerk of the senate and the chief clerk of the house of representatives. Delivery of the notice of appointment to both the chief clerk of the senate and the chief clerk of the house of representatives begins the appropriate thirty-day period established in accordance with § 8-7-114. Upon receiving the notice of appointment, the chief clerk of the senate and the chief clerk of the house of representatives shall notify the members of their respective house and shall refer the notice of appointment to the judiciary committee of their respective house as provided by rule.

(b) The Tennessee bureau of investigation shall perform appropriate financial and criminal background investigations of an appointee to the office of district attorney general and shall provide the results of the investigations and inquiries to the governor. Upon making an appointment, the governor shall transmit the results of the appointee's financial and criminal background investigation to the chair of the judiciary committee of the senate and the chair of the judiciary committee of the house of representatives.

(c) The judiciary committee of the senate and the judiciary committee of the house of representatives shall meet jointly to conduct a hearing and vote to confirm or reject the appointee, and shall submit a written report of the action taken to the clerk of the senate and the clerk of the house of representatives.

8-7-114.

(a) Regardless of whether the general assembly is in its annual legislative session, the judiciary committee of the senate and the judiciary committee of the house of representatives shall meet jointly within thirty (30) consecutive calendar days immediately following the appointment to consider and vote upon the appointee.

(b) If the joint judiciary committee fails to reject the governor's appointee within thirty (30) consecutive calendar days as described in subsection (a), then the appointee is deemed confirmed as of the following calendar day.

8-7-115.

(a) A district attorney general confirmed in accordance with this part shall commence service upon confirmation.

(b) If the governor's appointee is rejected by the joint judiciary committee or is withdrawn by the governor within thirty (30) calendar days of the applicable date set out in § 8-7-114, then the governor shall appoint another individual to fill a vacancy as provided in this part. Any appointee who has been rejected by the joint judiciary committee is not eligible for reappointment as a district attorney general, until after the next regular August election occurring at least one (1) year following the appointment.

SECTION 12. Tennessee Code Annotated, Section 8-14-102(b)(1)(B), is amended by deleting the last sentence of the section and adding the following subdivision (b)(1)(C):

(C) Prior to the election of a district public defender pursuant to subdivision (b)(1)(B), the governor shall appoint a suitable person to fill the office temporarily until the election takes place. The governor's appointee shall not take office until the appointee has been confirmed by the joint judiciary committee by vote or default as provided in this part.

SECTION 13. Tennessee Code Annotated, Title 8, Chapter 14, Part 1, is amended by adding the following new sections:

8-14-113.

(a) Immediately upon making an appointment to the office of district public defender, the governor shall provide written notice of the appointment to the chief clerk of the senate and the chief clerk of the house of representatives. Delivery of the notice of appointment to both the chief clerk of the senate and the chief clerk of the house of representatives begins the appropriate thirty-day period established in accordance with § 8-14-114. Upon receiving the notice of appointment, the chief clerk of the senate and the chief clerk of the house of representatives shall notify the members of their respective house and shall refer the notice of appointment to the judiciary committee of their respective house as provided by rule.

(b) The Tennessee bureau of investigation shall perform appropriate financial and criminal background investigations of an appointee to the office of district public defender and shall provide the results of the investigations and inquiries to the governor. Upon making an appointment, the governor shall transmit the results of the appointee's financial and criminal background investigation to the chair of the judiciary committee of the senate and the chair of the judiciary committee of the house of representatives.

(c) The judiciary committee of the senate and the judiciary committee of the house of representatives shall meet jointly to conduct a hearing and vote to confirm or reject the appointee, and shall submit a written report of the action taken to the clerk of the senate and the clerk of the house of representatives.

8-14-114.

(a) Regardless of whether the general assembly is in its annual legislative session, the judiciary committee of the senate and the judiciary committee of the house of representatives shall meet jointly within thirty (30) consecutive calendar days immediately following the appointment to consider and vote upon the appointee.

(b) If the joint judiciary committee fails to reject the governor's appointee within thirty (30) consecutive calendar days as described in subsection (a), then the appointee is deemed confirmed as of the following calendar day.

8-14-115.

(a) A district public defender confirmed in accordance with this part shall commence service upon confirmation.

(b) If the governor's appointee is rejected by the joint judiciary committee or is withdrawn by the governor within thirty (30) calendar days of the applicable date set out in § 8-14-114, then the governor shall appoint another individual to fill a vacancy as provided in this part. Any appointee who has been rejected by the joint judiciary committee is not eligible for reappointment as a district public defender, until after the next regular August election occurring at least one (1) year following the appointment.

SECTION 14. This act shall take effect September 1, 2019, the public welfare requiring it, and shall apply to senior judges appointed or renewed and appointments to fill vacancies for chancellor, circuit court judge, criminal court judge, judge of any other state trial court of record, district attorney general, or district public defender on or after that date.